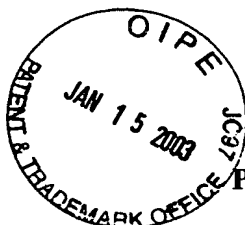


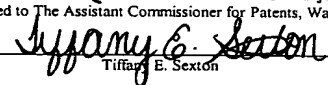
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OR
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT

In re application:)
Serial No.: 09/808,567)
Filed: March 14, 2001)
For: BREATHING ASSISTANCE APPARATUS)
Applicant: SEAKINS, SMITH and THUDOR)
Examiner: G. DAWSON)
Group Art Unit: 3761)
Atty. Docket No.: 1171/39258/92)

Certificate of Mailing by "Express Mail"	
Express Mailing No.:	EV194346329US
Date of Deposit:	January 15, 2003
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Assistant Commissioner for Patents, Washington, D.C. 20231.	
 Tiffany E. Sexton	

RESPONSE TO THE RESTRICTION REQUIREMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the Office Action dated December 4, 2002. The undersigned spoke with the Examiner on January 7, 2003 regarding the fact that Figure 1 was not cited as a species. The Examiner stated that Applicant can elect Figure 1 as the species if Applicant states that Figure 1 is a separate species and Applicant wants to elect same. Therefore, Applicant states that Figure 1 is a separate species and Applicant wants to elect same.

Applicant elects, without traverse, the species embodied in Figures 1 for prosecution in this application. Claims 1-16 are directed to the species embodied in Figure 1.

With regard to the Examiner's questioning of the usage of the word "typical" in the first sentence in the Detailed Description, Applicant submits that only the three listed elements are typical. On pages 7-8, Applicant describes the modifications to this typical

system under the heading "Absolute humidity sensing" which is at least one of novel aspects of the present invention and is specified in independent claim 1.

Applicant submits that there are no claims which are generic to all species.


Applicant is not aware of any prior art which would anticipate or would render obvious the claims defining the present invention. Therefore, early allowance is requested.

A Petition for a one-month extension of time is submitted herewith to extend the date for response up to and including February 4, 2003.

Should the Examiner have any questions regarding this Response, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: January 15, 2003

By: 
Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI
BLACKSTONE & MARR, LTD.
105 W. Adams Street
Suite 3600
Chicago, Illinois 60603
(312) 704-1890

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